IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Smt.Jethi Devi v. State of Rajasthan & Anr.

(1)S.B.CIVIL WRIT PETITION NO.1930/2000

Smt. Kamla v. State of Rajasthan & Ors.

(2)S.B.CIVIL WRIT PETITION NO.2089/2000

Smt.Shanti Devi v. State of Rajasthan & Anr.

(3)S.B.CIVIL WRIT PETITION NO.2034/2000

Petitions under Article 226 of the Constitution of India.

Date of Order : 24th October, 2005

P R E S E N T
HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Chaitanya Gahlot, for the petitioners.
Mr. B.L.Tiwari, Dy.Govt.Advocate.

BY THE COURT :

It is stated at Bar by counsel for the petitioners that the controversy involved in present writ petitions is squarely covered by the judgment of this Court in the case of Smt.Sayari Devi v. State of Rajasthan & Anr. (SBCivil Writ Petition No.48/2001), decided today itself.

On examination of record I found that though the present petitioners were also holding the post of “Aanganwari” worker and their services were also terminated by concerned Child Development Project Officer, however, on facts the present petitions are different and, therefore, cannot be disposed of in light of judgment given in the case of Smt.Sayari Devi (supra).

In the case of Smt.Sayari Devi (supra) while setting aside the order of termination this Court reached at the conclusion that no notice was givden to the petitioner before terminating her from services and also that the resolution of the Gram Sabha in pursuant to which services of Smt.Sayari Devi were discontinued too was under clouds.

In present petitions before terminating services of the petitioners an inquiry was conducted. There are also no allegation that no resolution was taken by Gram Sabha to discontinue the petitioners from services.

In SBCivil Writ Petition No.2089/2000, Smt.Kamla v. State of Raj. & Ors., the services of petitioner Smt.Kamla stood terminated under the order dated 7.6.2000. The respondents in reply to the writ petition in quite unambiguous terms stated that on receipt of complaint from residents of village Khandwa

Patta, Ward No.6, Churu the CDPO, Ratangarh, Churu inspected the “Aanganwari” Centre and found that no activity was in currency. The CDPO also recorded statements of number of residents of village Khandwa Patta, copy of which are placed on record as Anx.3. In these statements most of the persons stated that petitioner Smt.Kamla occasionally visits the “Aanganwari centre. It is also averred in reply to the writ petition that the action against the petitioner was taken after making an inquiry. The fact mentioned above is not refuted by the petitioner, as such the order of discontinuation dated 7.6.2000 cannot be held illegal. The respondents, therefore, committed no error while issuing the order impugned dated 7.6.2000.

In SBCivil Writ Petition No.2034/2000, Smt.Shanti Devi v. State of Rajasthan & Anr., no order discontinuing the petitioner from services is placed on record by the petitioner. The petitioner has sought a direction for respondents to continue her in service. A reply to the writ petition has been filed on behalf of the respondents stating therein that the petitioner was not discharging her duties satisfactorily at the “Aanganwari” centre where she was posted. It is also stated that before taking action against the petitioner an explanation was sought from her and the explanation given by the petitioner was not found satisfactory, therefore, under the recommendations of the Gram Panchayat and

after considering her overall working she was discontinued from service by the CDPO, Sri Dungargarh under an order dated 5.4.2000. The order discontinuing the petitioner from service is placed on record by the respondents as Anx.R/3. The respondents have also placed on record a copy of the inquiry report and copies of the complaints received against the petitioner. There is no violation of principles of natural justice while discontinuing the petitioner from the duties assigned to her as a notice was given and her explanation was sought before taking action.

In SBCivil Writ Petition No.1930/2000, Smt.Jethi Devi v. State of Rajasthan & Anr., the petitioner has sought a direction to continue her in service. No order terminating the petitioner from service is placed on record by the petitioner. A reply to the writ petition has been filed on behalf of the respondents stating therein that number of complaints were received against the petitioner and, therefore, after seeking an explanation from the petitioner by order dated 7.4.2000 her services were discontinued. The order dated 7.4.2000 is placed on record by the respondents alongwith their reply as Anx.R/1. The petitioner was working as “Aanganwari” worker at consolidated salary and, therefore, she is not entitled to be subjected to regular disciplinary proceedings. The minimum requirement before discontinuing her from the work assigned was to seek

explanation from her. The respondents have sought the explanation and after considering the same discontinued her from services. I do not find any violation of principles of natural justice as alleged by the petitioner. As such the writ petition preferred by her too deserves to be dismissed. However, it is stated at Bar by counsel for the petitioner in the case of Smt. Jethi Devi that in pursuance of the interim order passed by this Court the petitioner is still working with the respondents as an “Aanganwari” worker. Looking to this fact I consider it appropriate to direct the respondents to reconsider their decision to discontinue petitioner Smt.Jethi Devi from services by taking into consideration her subsequent services and if it is found that presently she is working satisfactorily then she may be allowed to continue.

In view of discussion made above the writ petitions preferred by Smt.Kamla Devi and Shanti Devi are hereby dismissed and the writ petition preferred by Smt.Jethi Devi is disposed of with the directions mentioned in preceding paras.

(GOVIND MATHUR),J.

kkm/ps.